

### **REMARKS**

Claims 7-12 are now pending in the present application. Claim 7 has been amended. Claims 1-6 were canceled by a previous Amendment. Claim 7 is independent. Reconsideration of this application, as amended, is respectfully requested.

#### **Rejection Under 35 U.S.C. § 112**

Claims 7-12 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

The Examiner asserts that the claims contain subject matter which was not described in the specification in such away as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner asserts that the specification and drawings are not clear with regard to how the vacuum conveyor channels function to allow the strips to lead together at the end of the channel, how the plates 13 and 14 create a vacuum channel, and how the strips are lead together at the end of the channel, since Figure 3 clearly shows the strips together at the beginning of the channel.

As the Examiner will note, claim 7 has been amended to change the recitation "vacuum conveyor channel" to "take-up channel." In addition, claim 7 has been

amended to recite subject matter that is clearly disclosed in the specification as originally filed. Finally, page 6 of the present specification has been amended to refer to the vacuum conveyor channel 12 as a "take-up channel" in order to be consistent with page 4, line 14, which states "the ends of all the take-up channels 12."

Referring to Figure 3 of the present invention, the strips of material 6 are clearly illustrated as leaving the vacuum roll 4 and being conveyed to the take-up channel 12. The plates 13 and 14 illustrate the outer walls between which the take-up channel would be located. Each of the strips 6 is turned "on its way to said take-up channel or on its way through said take-up channel by about 90°... allowing said strips at an end of said take-up channel to lie one upon the other ... by negative pressure" (emphasis added).

In the Examiner's Office Action, the Examiner states that "it is not clear how the [take-up channel] function[s] to allow the strips to lead together at the end of the channel." Applicants submit that claim 7 recites separate steps of "conveying," "turning" and "allowing." However, claim 7 does not specifically recite that the take-up channel itself actually performs these steps. In view of this, it is believed that the Examiner's rejection has been obviated.

In addition, the Examiner states that "it is not clear how the plates 13 and 14 create a vacuum channel." Since claim 7 has been amended to recite a "take-up channel" and not a "vacuum conveyor channel," it is believed that the Examiner's rejection has also been obviated. However, it is noted that page 3, lines 9-13 of the original specification provide support for the take-up channel acting as a vacuum

conveyor due to the fact that it is stated "each strip be drawn from the said vacuum roll or pair of rolls and be introduced in a take-up channel and continuously conveyed therein by means of negative pressure."

Finally, the Examiner states "nor is in clear how the strips are lead together at the end of the channel because Figure 3 clearly shows the strips together at the beginning of the channel." As the Examiner will note, claim 7 recites "turning each of said individual strips on its way to said take-up channel or on its way through said take-up channel by about 90°" (emphasis added). As the Examiner will note, the strips 6 are turned either prior to reaching the take-up channel 12 or at some point within the take-up channel 12, so that the strips can lie on top of each other by the time the strips reach the end of the take-up channel. In view of this, it is believed that the Examiner's rejection has been obviated.

Although it is believed that the specification as originally filed is sufficient to provide a written description of the claimed invention, the following comments are offered to the Examiner. The strips of material are turned by about 90° by the fact that the take-up channel 12 is oriented at about 90 ° with respect to the plane of the strips of material. The strips of material are conveyed through the take-up channel 12 by means of the negative pressure within the take-up channel. While the negative pressure can be produced in any manner known to one having ordinary skill in the art, a particular embodiment of the present invention includes the process of allowing the strips to lie upon each other by injecting an air stream into the take-up channel 12. When the air

stream exits the take-up channel, a zone of negative pressure is produced, assisting the strips to lie on top of each other.

In view of the above amendments and remarks, Applicants submit that claims 7-12 are in conformance with 35 U.S.C. § 112, first paragraph. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

#### **Rejection Under 35 U.S.C. § 103**

Claims 7-9, 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ring, U.S. Patent No. 5,374,042 in view of Faasse, Jr., U.S. Patent No. 4,556,441, and further in view of Pohjola, U.S. Patent No. 5,224,405 and Bakker, U.S. Patent No. 5,193,423. Claim 10, stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ring, Faasse, Jr., Pohjola and Bakker, as applied to claims 7-9, 11 and 12 above, and further in view of Mlodozieniec et al., U.S. Patent No. 4,349,531. These rejections are respectfully traversed.

The present invention is directed to a process for manufacturing a medicinal and/or an active substance containing product from at least two strip tapes. Independent claim 7 recites a combination of steps including "conveying each of said individual strips through said take-up channel," "turning each of said individual strips on its way to said take-up channel or on its way through said take-up channel by about 90°," and "allowing said strips at an end of said take-up channel to lie one upon the

other.” Applicants respectfully submit that the references relied on by the Examiner fail to teach or suggest the present invention as recited in independent claim 7.

Ring discloses a broad web of sheet-like material which is conventionally slit, whereupon one section of the web flows downward, while the other is twisted mechanically by a rod in such a way that the opposite web section comes to overlap the other web section. The Examiner recognizes that Ring fails to disclose “manufacturing a medicinal and/or any active substance containing product, a roll on a take-up mandrel, a vacuum roll, or a vacuum conveyor channel.” However, the Examiner relies on the Pohjola, Faasse, Jr. and Bakker references to modify Ring to arrive at the present invention. Applicants submit that the Examiner’s modifications of the Ring device would not have been obvious to one having ordinary skill in the art. Furthermore, the modifications proposed by the Examiner would not arrive at the present invention as recited in independent claim 7.

Specifically, with regard to the Pohjola reference, this reference teaches a vacuum anvil roll 32 (“the cut web strips are maintained on anvil roll 32 by means of the created vacuum” – column 6, lines 53-54). However, the Examiner has not provided any suggestion in the Pohjola reference that would motivate one having ordinary skill in the art to modify the Ring device in the manner proposed by the Examiner. In view of this, the Examiner has failed to establish a *prima facie* case of obviousness.

In the Examiner’s Office Action, the Examiner states that it would be obvious to provide a vacuum anvil roll in the Ring device “in order to replace the tractor feed

devices 36 in Ring so that the apparatus can convey various web structures.” Applicants submit that the comments from the Examiner are insufficient to establish a prima facie case of obviousness. There is absolutely no suggestion in the Pohjola reference to substitute the tractor feed devices 36 of Ring for the vacuum anvil roll of Pohjola. The Examiner’s rationale that the anvil roll of Pohjola would “convey various web structures” is irrelevant, since the tractor feed devices 36 of Ring would also allow for various web structures to be conveyed.

However, even if it would be obvious to provide a vacuum roll in the Ring device as the Examiner contends, this combination would still not arrive at the presently claimed invention. Specifically, Pohjola merely discloses conveying strips of material with a vacuum anvil roll after the strips have been separated. However, independent claim 7 recites “separating said broad web of material into individual strips in a negative pressure zone of said vacuum roll by rolling said multiple circular knife roll.” Since Pohjola fails to disclose this aspect of the present invention, the Ring reference fails to disclose a vacuum roll, and there is no suggestion in either of these references to separate the material in the negative pressure zone of the vacuum roll, Applicants submit that the combination of references relied on by the Examiner are insufficient to disclose this aspect of the present invention.

With regard to the Bakker reference, this reference teaches a vacuum conveyor 21 as the Examiner contends. However, this vacuum conveyor includes a perforated conveyor belt (column 4, lines 31-32), on which the strip portions are conveyed. In the

present invention; however, the take-up channel in which the strips are conveyed does not include any belt which would prevent the strips to lie upon each other at the end of the take-up channel. The Examiner is incorrect when contending that it would have been obvious to provide a vacuum conveyor channel in the combination of Ring and Fasse, Jr. in order to replace the tractor feeder 70 in Ring, since the tractor feed device 70 in Ring is part of a burster device 68, which grasps the superimposed web sections by the tractor feed devices and continues processing of the superimposed web loops (column 4, lines 46-51). The vacuum conveyor, i.e. the take-up channel of the present invention does not transport superimposed strips, but individual strips, while allowing them to lie down one upon the other.

With regard to the Examiner's reliance on the Faasse, Jr. and Mlodozeniec references, these references also fail to disclose the vacuum roll and take-up roll of the present invention and therefore fail to make-up for the deficiencies of Ring, Pohjola and Bakker.

With regard to dependent claims 8-12, Applicants respectfully submit that these claims are allowable due to their dependence upon allowable independent claim 7, as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 7-12 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. § 103 are respectfully requested.

**CONCLUSION**

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a one-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$120.00** is attached hereto.

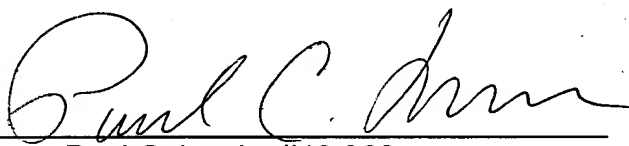
In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.



If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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